

230720

July 27, 2011

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E. Street, S. W.  
Washington, D.C. 20423

ENTERED  
Office of Proceedings

JUL 28 2011

Part of  
Public Record

RE: STB Finance Docket No. 35498 Adrian Blissfield Rail Road Company  
Continuance- in- Control Charlotte Southern Railroad Company, Detroit  
Connecting Railroad Company and the Lapeer Industrial Railroad Company

Dear Ms. Brown:

On July 19, 2011 the ABDF thru its council filed a reply to my comments of July 11, 2011. In there reply they ask the Board to strike my comments as late and make comparisons to myself and Mr. Pape another POR in the case. I standby the reasons stated and I do not believe it unreasonable that I would believe the ABDF was no longer pursuing its Continuance in Control, after all the ADBF had been previously cited for not complying with the Boards instructions. Further more the ABDF had engaged new Counsel that prepared its application along with a time schedule that was approved by the Board. Not being a part of the ABDF and privy to its internal workings what reasonable person would not think the ABDF had merely given up its attempt to remain in control. After all they missed the very first condition the Board set for their application. Council for the ABDF seems to insinuate that some how I should have known there intentions and mentions Mr. Pape's ability to timely file. Mr. Pape is a shareholder of the ABDF and sat on its Board he would have knowledge that I do not have. Council goes on to state that I could have merely called them and he would have overnight mailed me a copy. Again Council would have the Board believe some how that I am physic and I should have known all their intentions and failings. As I stated, I contacted the Board at the number listed in the decision for any problems and followed the instructions I received.

I would endeavor to also ask Council why it would be nonsense to insure not to misstate a fact regarding the application. It is true that I am not a Practitioner or an Attorney and there for I would not know if it would be common practice for ether of them to misstate a fact. However I pride myself in telling the truth and I make no apologies for this belief.

Council states that I made serious allegations as to how Mr. Dobronski managed the ADBF over his 8 year tenure as President. Council must be reading some one else's comments not mine. No where did I mention any thing about Mr. Dobronski's management of the ADBF. I only commented on facts presented by others or those presented by Council for the ABDF. As to the exhibits I presented all are a part of the public record.

As to Council's belief that I lack standing, I timely filed and was recognized as a POR by the Board. I do have an interest in the fact that I work daily along a line that the ADBF has running and interchange rights over. I identified myself as a citizen of the State of Michigan because as a citizen I have a vested interest in the safe and efficient movement of freight thru its borders, along with my right as citizen of the United States to petition the government.

Council contends that I misread subsection (1) of section 529 of the Michigan Liquor control laws. Quite the contrary Council was the one who misread and misstated the Law. Originally he stated *"approval of any change in shareholder s is required by the Michigan Liquor Control Commission"* He now correctly states that it is required if a 10% transfer of outstanding shares or ownership occurs. Council stated that the process is slow and cumbersome. He ignores the point that all licensees must report annually any transfer in shares and if proper accounting was kept it would not be cumbersome and would only require that the licensee make application if the 10% threshold was reached. Granted that the Commission can investigate any transfer in shares however Council made no such claim in this case. If the Commission investigated and found problems with background checks etc., Council should have presented this to the Board. Instead it painted the process with a broad brush as slow and cumbersome, a fact that I believe is not true. The State of Michigan has a huge Tourist industry and along with that has many establishments both public and private that hold Liquor licenses, in just the normal course of business the changes in ownership over the 10 % threshold due to mortality, the trading of stocks, marriages , divorce ect. is substantial. Be assured if you travel to Michigan you will have no problem getting a glass of wine with your dinner.

As to exhibit D. Council submitted only 5 pages of 94 page document to the Board. Please note the date of the filing. I then would direct you to Exhibits B,C, D and E with special attention to C, D and E. I will let the Board draw its own conclusions.

Council for the ADBF contends that my assertions do not contain any basis for relief, I beg to differ. The YW in its comments in FD 35410 stated that the ADBF was more interested in running its dinner train than switching the YW's cars. This is clearly evidenced by the ABDF own admissions. Not only did they restrain the flow of freight by not switching the YW cars they freely admit that they failed to obtain Authorization in

Control because they wanted a liquor license for the same train. Their actions placed the movement of freight behind their want to sell an alcoholic beverage.

Council for the ADBF draws the conclusion that the statute requires the Board to issue a decision granting the ABDF's inadvertent but previously unauthorized control. I believe that this conclusion is not true, if it was why would there be a need for the Board? In this matter the Board has already found that the ABDF ignored its findings and has made false or misleading statements. And yet even after the Board allowed the ABDF yet another chance by granting their application with the pledge of the ADBF's President to fully abide with all Board policies and regulations for now and in the future. The ABDF failed to follow the very first instruction of the Board. They failed to forward a copy of the application to the POR's. Council for the ADBF labels it as inadvertent. How many times can they claim this? So much for the pledge in Mr. Dobronski's verified statement! How can the Board now rely on any of the alleged facts contained in them?

It is well within the right of the Board to deny this application. The Board should and must demand that its findings, policies and regulations be followed. It must not allow any entity to continue to flaunt its authority, come back and back yet again with continued excuses such as inadvertent, stock holder unrest ect. etc. To allow undocumented claims of expenditures for up grades and purported claims of future car loadings. How many times does the Board allow someone to ignore its authority, once, twice, three times? How long would it be before the next entity comes up and says you let them do it three times, I only did it four, five times. If this is allowed to happen it will put the Board in a death spiral along with the rights of the shippers and citizens that Congress entrusted and empowered the Board to oversee.

I respectfully ask that the Board reject the ABDF's application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott C. Cole', written in a cursive style.

Scott C. Cole  
2700 Noon Rd.  
Jackson, MI. 49201

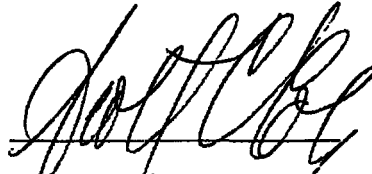
**CERTIFICATE OF SERVICE**

This is to certify that a copy of Scott C. Cole's Comments in FD 35498 has been served this 27<sup>th</sup> day of July, 2011 via first-class mail upon the following.

Gabriel D. Hall  
7846 West Central Avenue  
Toledo, OH 43617

Dale R. Pape  
1988 West Gier Road  
Adrian, MI 49221

John D. Heffner PLLC  
1750 K Street, N.W. Suite 200  
Washington DC. 20006

  
Scott C. Cole